

EXHIBIT 3

Russell T. Neufeld

Attorney at Law

March 7, 2016

Nichole Brown-Morin
U.S. Probation Officer
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Da'Quan Johnson*
14-cr-476 (CS)

Dear Ms. Brown-Morin:

Da'Quan Johnson has the following objections to the draft PSR received on February 23, 2016. Paragraph 104 should list James Johnson, rather than Da'Quan Johnson as a sibling of Da'Quan Johnson. In the Offense Conduct section (paragraphs 29 - 45), while Da'Quan Johnson agrees that he engaged in acts of violence in response to violence and threats from other gangs, he does not believe that each specific characterization of each act is wholly accurate. We believe that much of the information in this section was provided by the U.S. attorney's Office, which, in turn, was provided it by cooperating witnesses.

While the PSR accurately concludes that "Mitigating circumstances regarding the offense and the defendant's social circumstances may warrant a variance from the applicable sentencing guideline range (paragraph 147), it fails to include some of the most significant facts that support that conclusion. Specifically, we believe the Personal and Family Data section should include the following: Da'Quan Johnson was born to a single, mentally ill, drug addicted mother, who, having just turned 15, was still a child herself. Since his birth, Da'Quan Johnson's mother has spent her entire life in and out of jails and mental hospitals. Da'Quan Johnson, along with his siblings, had dangerously high levels of lead in his blood, a condition that causes intellectual impairment and loss of impulse control. Child welfare authorities were aware of this situation for years. His mother refused to cooperate with testing or treatment. Never-the-less, it was not until Da'Quan was eight years old, that he and his siblings were removed from his mother. When Da'Quan Johnson was 15 and his brother James was 14, both brothers were again living with their mother. When the Yonkers police came to arrest Da'Quan's mother, they found both children in the apartment, but failed to alert child welfare to the situation. Consequently, while Da'Quan's mother was incarcerated for the following eight months, the children were left to fend for themselves. Da'Quan, as the oldest sibling, took over the role of parent. He was responsible for maintaining the home, feeding his younger brother and trying to get them both to school. Not surprisingly, these tasks were beyond this fifteen year old's ability. He sought help and guidance from others in the Schlobolm housing project, including gang members. This is in accord with the government's view of when Da'Quan Johnson began his gang involvement.

Thank you for your consideration of these matters..

Sincerely,

A handwritten signature in blue ink that reads "Russell Neufeld Mitchell Dinnerstein (R.N.)". The signature is written in a cursive style with the first names "Russell Neufeld" on the top line and "Mitchell Dinnerstein (R.N.)" on the bottom line.

Russell Neufeld
Mitchell Dinnerstein
Counsel for Da'Quan Johnson

cc.: AUSA Scott Hartmann
AUSA Douglas Zolkind